

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

JOHN MILLS, LLC and
KYLE MOTOLA,

Plaintiffs,

V.

CHRISTOPHER GLEN FINLEY,
PAMELA MICHELLE FINLEY, and
ASHER'S ATTIC, LLC,

Defendants.

Case No.: 2:19-cv-00275-RWS

**JOINT MOTION TO STAY CASE TO ALLOW FOR SETTLEMENT
DISCUSSIONS**

Plaintiffs John Mills, LLC and Kyle Motola (“John Mills”) and Defendants Christopher Finley, Pamela Finley, and Asher’s Attic, LLC (“Defendants”) (collectively the “Parties”) hereby request that the Court stay all deadlines to allow the parties to engage in settlement discussions. extend the discovery deadline for six weeks, through and including November 9, 2020.

This is an action for copyright infringement under 17 U.S.C. Sections 501, *et seq.*, misrepresentation under 17 U.S.C. Section 512(f), and tortious interference, with counterclaims for misrepresentation under 17 U.S.C. Section 512(f), and tortious interference by Defendant Asher's Attic. Plaintiffs filed their original

Complaint (Dkt. 1) on November 27, 2019. Following this Court's Order (Dkt. 22) denying Defendants' Motion to Dismiss (Dkt. 13), Defendants filed an Answer and Counterclaim (Dkt. 26). The Parties then engaged in discovery and requested an extension of the discovery period (Dkt. 39), which this Court granted (Dkt. 40). Discovery is currently set to close on November 9, 2020. (Order, Dkt. 40). Plaintiffs (with Defendants' written consent) filed an Amended Complaint on October 7, 2020 (Dkt. 42) and in the Amended Answer, Defendant Asher's Attic (with Plaintiffs' written consent) filed an Amended Counterclaim (Dkt. 43).

At this juncture, the parties have begun earnest attempts at reaching a settlement of the dispute and believe that resolution may be possible. However, discovery is due to close on November 9, 2020. Because depositions have been scheduled for November 9, 2020 and the summary judgment deadline is approaching, it would be difficult for counsel to maximize the opportunity to discuss an amicable resolution while attempting to complete discovery and prepare summary judgment motions.

Therefore, in an effort to maximize the potential for reaching an amicable resolution, the parties have agreed that it would be beneficial to stay the case for a period of sixty days, which would afford adequate time for the potential of settlement

to be explored. Further, because the Parties are moving jointly, there is no concern for prejudice, rather the requested stay will be mutually beneficial.

Accordingly, the Parties request that the Court stay the case for a period of sixty days from November 5, 2020, through and including January 4, 2021 with none of the Parties to conduct discovery during the stay. The Parties further request that the Court Order that when the case reopens, the Parties shall have four (4) days remaining in the discovery period with discovery to close on January 8, 2021 and all other deadlines shall be triggered by the January 8, 2021 close of discovery.

The relief sought lies within the Court's wide discretion under the Federal Rules of Civil Procedure and this district's Local Rules.

This motion is made in good faith and is not for the purpose of any undue delay.

Respectfully submitted, this 5th day of November, 2020.

LILENFELD PC

/s/ Robin L. Gentry
David M. Lilenfeld
Georgia Bar No. 452399
Robin L. Gentry
Georgia Bar No. 289899
3379 Peachtree Road NE, Suite
980
Atlanta, GA 30326
(404) 201-2520
David@Lilenfeld.com

STEVEN STEWART, LLC

/Steven C. Stewart/
Georgia Bar No. 719301
5500 Hastings Terrace
Alpharetta, GA 30005
(206) 321-9072
steveniplaw@me.com

Robin@Lilenfeld.com

Counsel for Plaintiffs

Counsel for Defendants